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14 **UNITED STATES DISTRICT COURT**

15 **DISTRICT OF NEVADA**

16 TAMARA SPEAKS,

17 Plaintiff,

18 vs.

19 EMPLOYERS HOLDINGS INC., a Nevada
20 corporation; EIG SERVICES, INC., a Florida
21 corporation; DOES I THROUGH X,
22 INCLUSIVE, AND ROES I THROUGH X,
23 INCLUSIVE,

24 Defendants.

25 Case No. 2:23-cv-00068-GMN-BNW

26 **DEFENDANTS' MOTION FOR AN
27 EXTENSION OF TIME TO RESPOND
28 TO PLAINTIFF'S FIRST AMENDED
COMPLAINT
(FIRST REQUEST)**

29 Defendants Employers Holdings, Inc. ("EHI") and EIG Services, Inc. ("EIG"), by and
30 through its counsel, the law firm of Jackson Lewis P.C., hereby brings the instant Motion for an
31 Extension of Time to Respond to Plaintiff's First Amended Complaint. Defendants' response to the
32 Complaint is currently due on April 5, 2023. Defendants seek an extension up to and including to
33 **April 26, 2023**. This is the first request by Defendants to extend time to file their response to the
34 First Amended Complaint. This Motion is based on the following Memorandum of Points and
35 Authorities, all pleadings and documents on file with the Court, and any oral argument that the
36 Court deems proper.

MEMORANDUM OF POINTS AND AUTHORITIES

I. **BACKGROUND**

On February 10, 2023, Defendant EHI filed a motion to dismiss Plaintiff's Complaint. ECF No. 10. In response, Plaintiff filed a First Amended Complaint (FAC) on March 22, 2023. ECF No. 20. The FAC adds a new party (EIG) and states five causes of action arising out of Plaintiff's prior employment.

Between March 24, 2023, and April 2, 2023, undersigned counsel was out of the office with extremely limited email access. Undersigned counsel was unable to investigate the new allegations in the FAC nor was undersigned counsel able to complete an initial response.

On April 5, 2023, undersigned counsel contacted Plaintiff's counsel to request that the responsive deadline be extended to April 26, 2023, based upon counsel's extended absence and current workload. To date, undersigned counsel has not received a response. Accordingly, Defendants now request this Court extend the deadline to respond to the FAC from April 5, 2023, to April 26, 2023.

II. LEGAL ARGUMENT

Fed. R. Civ. P. 6(b)(1) provides that when an act must be done within a specified time, the Court “may, for good cause, extend the time . . . with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires” “Good cause” is not a rigorous or high standard, and courts have construed the test broadly. *Ahanchion v. Kenan Pictures*, 624 F.3d 1253 (9th Cir. 2010). Rule 6(b) “[is] to be liberally construed to effectuate the general purpose of seeing that cases are tried on the merits.” *Rodgers v. Watt*, 722 F.2d 456, 459 (9th Cir. 1983); *Wong v. Regents of the Univ. of Calif.*, 410 F.3d 1052, 1060 (9th Cir. 2005) (“Of course, courts should not mindlessly enforce deadlines.”). Indeed, the “good cause” standard “primarily considers the diligence of the party seeking the amendment.” *In re W. States Wholesale Nat. Gas Antitrust Litig.*, 715 F.3d 716, 737 (9th Cir. 2013). In general, an application for extension of time under Rule 6(b)(1)(A) will be granted in the absence of bad faith. *Ahanchion*, 624 F.3d at 1259 (quoting 4B CHARLES ALAN WRIGHT & ARTHUR R. MILLER, FEDERAL PRACTICE AND PROCEDURE § 1165 (3d ed. 2004)) (internal quotations omitted).

Here, there is good cause to extend the time for Defendants to file their response to Plaintiff's FAC to April 26, 2023. From March 24, 2023, through April 2, 2023, undersigned counsel was traveling out of state and had extremely limited email access. Thus, counsel was unable to investigate the claims, confer with the newly named Defendant, or prepare a responsive pleading.

Upon undersigned counsel's return, counsel was required to respond to several pressing matters involving numerous administrative charges and settlement negotiations.

As such, Defendants require time to have a fair and sufficient opportunity to investigate and evaluate these matters and prepare their response. Accordingly, Defendants expressly reserve the right to assert defenses, including without limitation, motions under Fed. R. Civ. P. 12(b), as no such motion is made here and therefore none are waived. *Szanto v. Marina Marketplace 1, LLC*, No. 3:11-cv-00394-RCJ-VPC, 2013 U.S. Dist. LEXIS 168028, at *10 (D. Nev. Nov. 26, 2013). Defense counsel has acted diligently upon her return to investigate the new allegations and begin drafting a response. No prior extensions have been requested for the FAC, and this request is not made in bad faith or to delay the proceedings.

III. CONCLUSION

For the foregoing reasons, Defendants respectfully request the Court grant their Motion for an Extension of Time to Respond to Plaintiff's First Amended Complaint up to and including April 26, 2023.

Dated this 5th day of April, 2023.

JACKSON LEWIS P.C.

/s/ Katlyn M. Brady
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Attorneys for Defendants

ORDER

IT IS SO ORDERED

DATED: 4:55 pm, April 06, 2023

Brenda Weksler
BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of Jackson Lewis P.C., and that on this 5th day of April, 2023, I caused to be served via the Court's Electronic Filing System **DEFENDANTS' MOTION FOR AN EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S FIRST AMENDED COMPLAINT (FIRST REQUEST)** properly addressed to the following:

Paul S. Padda
4560 South Decatur Boulevard, Suite 300
Las Vegas, Nevada 89103

/s/ Katlyn M. Brady
Employee of Jackson Lewis P.C.